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February 5, 2008

Dr. Peter T. Dalleo, Clerk
United States District Court for the District of Delaware
844 North King Street, Room 4209
Lock Box 18
Wilmington, DE 19801

**Re: In Re: Exaeris, Inc. et al., Chapter 11, Case No. 07-10887 (KG)
Jack Kachkar v. Westernbank Puerto Rico et al., C.A. No. 07-621**

Dear Dr. Dalleo:

As the appointed mediator in the above-referenced matter, I write to advise that mediation was held on January 28, 2008 and that no resolution was reached.

Yours Respectfully,

A handwritten signature in black ink, appearing to be "Vincent J. Poppiti", written over a circular stamp or seal. The signature is fluid and cursive.

Vincent J. Poppiti

VJP:mcl

cc: Steven K. Kortanek, Esquire
Bruce Grohsgal, Esquire
Tobey M. Daluz, Esquire
Ms. Elizabeth Strickler